



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	February 14-101 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	Becker Estates

Applicant	William Becker 600 Indian Trail Ct. Smithville, Mo 64089-9405
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Owners	William R. & Valerie L. Becker Trust (Proposed Lot 1) Becker Investment Co. 3611 NE 132 nd Street Smithville, Mo 64089-8991 Daniel W. & Amy V. Becker (Proposed Lot 2) 3421 NE 132 nd Street Smithville, Mo 64089
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Request	Rezoning & Preliminary Plat
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Application Submittal	2013-12-30
Public Notice Published	2014-01-16
Neighbor Letters Sent	2014-01-17
Report Date	2014-01-27

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
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Recommendation	APPROVAL
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General Information

Site Location:	3611 & 3421 NE 132 nd Street Section 7 Township 52 Range 32
Site Size:	11.60± Acres
Existing Landuse & Zoning:	Agricultural (AG)
Zoning/Platting History:	None
Surrounding Landuse & Zoning:	<div><div>North</div><div>- Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville</div></div> <div><div>East</div><div>- Agricultural (AG), Residential Rural District (R-1) Zoned Land</div></div> <div><div>South</div><div>- Agricultural (AG), Residential Low-Density District (R-1A) Zoned Land, City of Kansas City</div></div> <div><div>West</div><div>- Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville and City of Kansas City</div></div>

Current Conditions:



Courtesy Cathy Rinehart, Clay County Assessor



Courtesy Microsoft® Bing™



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Assessment

William Becker is requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 1 ONLY and to Residential Ranchette (R-5) for Lot 2 ONLY, in addition to **Preliminary Plat** approval for Becker Estates a total area of approximately 11.60± acres.

The purpose for these requests is to increase the land area for 2 main reasons: 1) the malfunctioning septic system of Lot 1, and 2) for the placement of a new accessory structure on Lot 2. The parcel to the south, east of Lot 2 and west of Lot 1 is 65.59± acres with the existing farmhouse structure and is to be deeded at the time of the recording of the final plat for Becker Estates.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Smithville and the City of Kansas City is within the 1-Mile Urban Coordination Sub-Tier. The City of Smithville responded with an e-mail dated January 22, 2014 stating:

"This parcel lies outside the boundaries of the 2005 Comprehensive Plan future development areas for the City of Smithville. As such, we have no comments for or against this proposal."

As of the writing of this report the City of Kansas City has not responded to written or verbal communication. The subject request meets the spirit and jest of the 2008 Comprehensive Plan due to the response from the City of Smithville.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. Residential Low Density District (R-1A) zoned land is to the north, south and west. Residential Rural District (R-1) Zoned Land is to the north, east and west. The City of Smithville is to the north and west, and the City of Kansas City is to the south and west within the 1-mile coordination tier [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on January 16, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on January 17, 2014.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and



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5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department has approved the existing driveways. Road Impact Fees (*RIF*) are not required for either lot as they are occupied by existing single family residences.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #9 of Clay County already has existing water meters on the property. The Smithville Area Fire District serves the property.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 1 ONLY and to Residential Ranchette (R-5) for Lot 2 ONLY be **APPROVED** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Becker Estates** be **APPROVED**



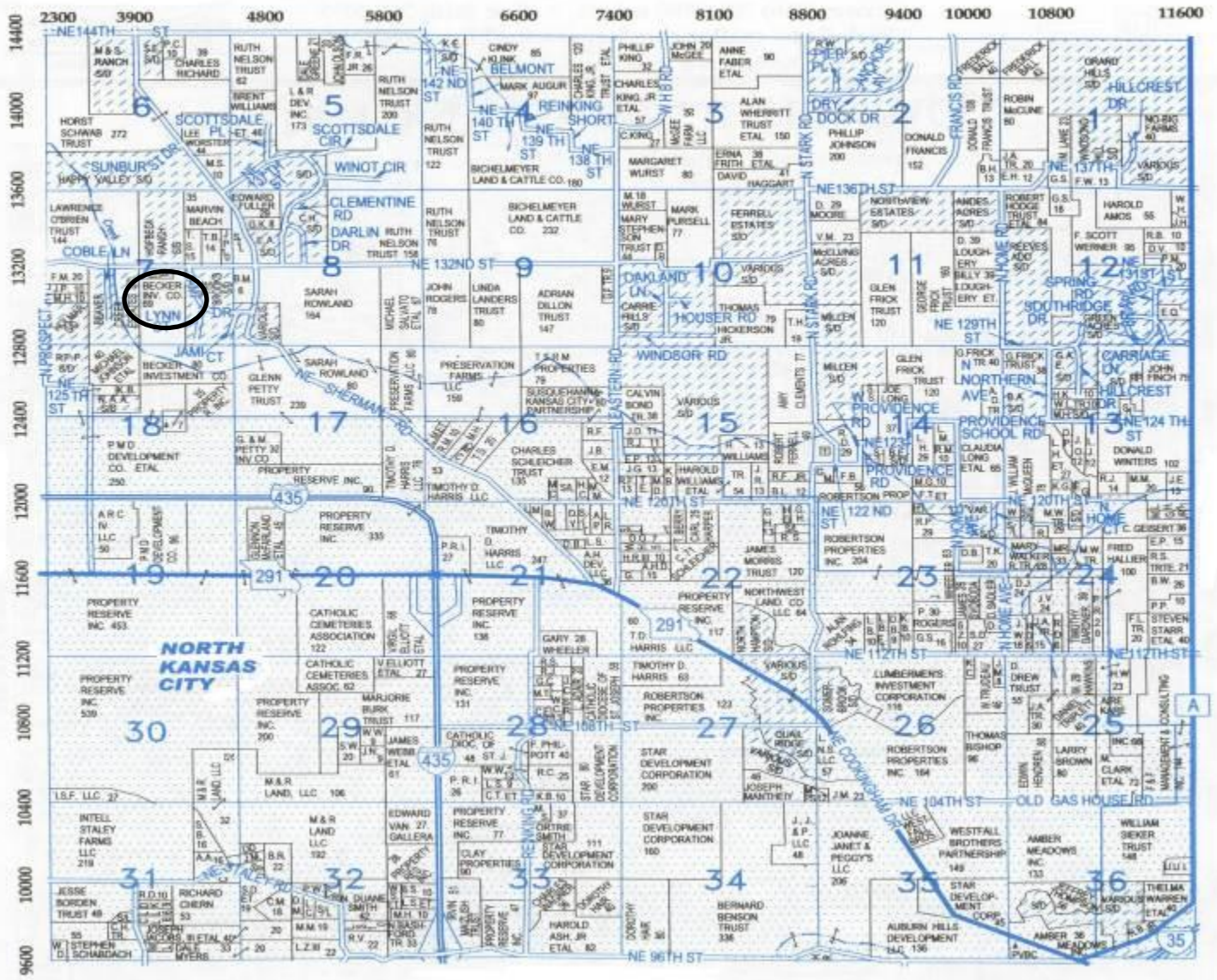
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Attachments

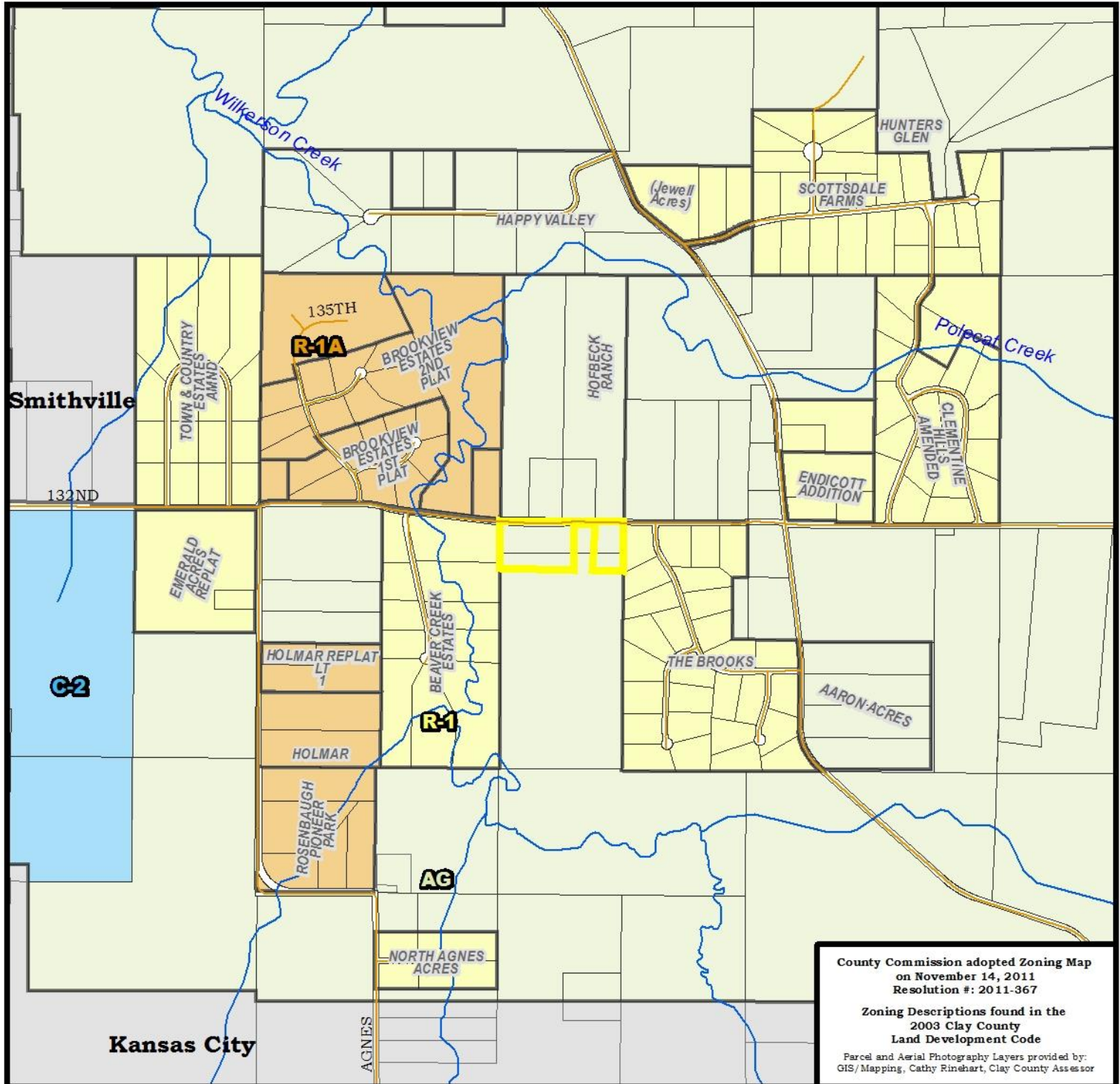
February 14-101RZP Becker Estates Attachment A - Vicinity Map

TOWNSHIP 52N • RANGE 32W



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Attachment B - Existing Conditions Map



Planning & Zoning Department



1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

- Property Line
- ~~~~~ Streams (EPA)
- Railroads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries

Overlay Districts

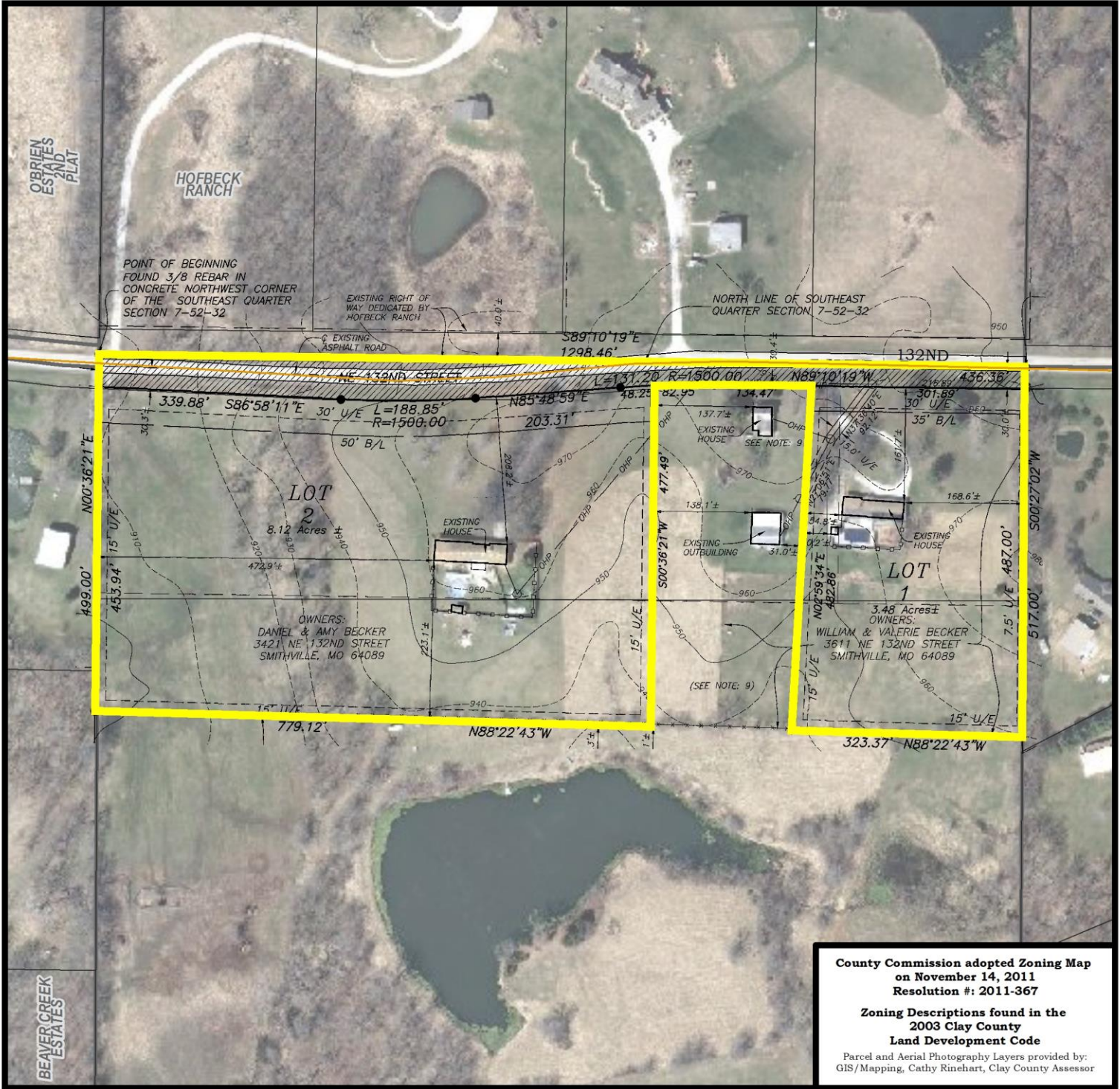
- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department



1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- ~ Highway Ramps
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